

VSWMR Amendment 7, 9VAC20-81, Frequently Asked Questions

GENERAL

Q: Where can I find a copy of Amendment 7 to the Virginia Solid Waste Management Regulations?

A: The final regulation can be found at www.deq.virginia.gov/waste/wastereg80.html

Q: What is a Centralized Waste Treatment Facility?

A Centralized Waste Treatment (CWT) facility is a new category of Permit-By-Rule facility included in 9VAC20-81-300 through -360 and -410 . A CWT facility bridges the gap between “wet” non-hazardous wastes and meeting the landfill free liquids disposal standard. CWT was added to VSWMRs primarily to address facilities that take in non-hazardous oily sludges, recover what oil they can, and then solidify the remainder either for disposal or beneficial use. CWT in the VSWMR applies only to zero discharge facilities that do not have a pre-treatment or other water discharge permit. CWTs that have VPDES permits or pre treatment permits are not subject to the VSWMR.

Q: The regulation (9VAC20-81-410.A.2.g and 9VAC20-81-450.B.10) requires submittal of a certification from the State Corporation Commission (SCC) that the business entity pursuing the solid waste management permit is a valid entity, authorized to transact its business in Virginia. What is this certification?

A: Starting June 1, 2011 the Office of Financial Assurance will begin requesting in compliance letters that owners and operators submit to OFA a copy of the Certificate of Incorporation and a Certificate of Good Standing for corporations, or a Certificate of Registration (or Certificate of Organization) and a Certificate of Fact for LLCs. Documents may be requested from the SCC by calling 804-371-9733 or 1-866-722-2551. Please submit the certifications to the DEQ-OFA, Attn: Leslie Beckwith, 629 E. Main St., Richmond VA 23219. OFA will review the documentation to determine if the correct entity is demonstrating financial assurance for solid waste facilities by comparing the name on the certificate to the applicant, principal, insured, or grantor of the financial assurance mechanism as well as the name on the solid waste permit or permit-by-rule. This requirement does not apply to facilities owned solely by governmental units. .

COMPLIANCE

Q: Amendment 7 removes the requirement for an operations manual to be included as a component of the Part B application. Will I need to modify my permit to accomplish this?

A: No, as of the effective date of Amendment 7 all facilities will be allowed by regulation to revise their operations manual as needed. The operations manual in the operating record will be reviewed by the inspector during subsequent inspections. However, if the operations manual contradicts the regulatory standards, the regulatory standards shall prevail unless a variance has been granted. In addition, Amendment 7 requires essential operational information in the Part B application. Therefore, this information will continue to apply as a permit condition and may only be revised by a permit modification.

Q: Amendment 7 requires responsible officials to certify their operations manuals are accurate and meet the minimum regulatory requirements on an annual basis. When does the first certification need to be completed?

A: 9VAC20-81-485.A states, “This manual shall be reviewed and recertified annually (by December 31 of each calendar year) to ensure consistency with current operations and regulatory requirements...” Therefore, the first certification must be completed by December 31, 2011.

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Q: 9VAC20-81-485.A requires the responsible official to certify the operations manual on an annual basis. What should this certification state?

A: Suggested wording for the certification can be found in the Operations Manual implementation guidance (01-2011) at www.deq.virginia.gov/waste/guidance.html . DEQ does not have a specific “form” for the certification.

PERMITTING

Q: Once Amendment 7 is effective will I need to request a permit modification to update the regulatory citations contained therein?

A: No, revising permits to recognize new regulatory citations will not be necessary. Permits will be revised during the next modification requested. However, regulated facilities are required to comply with the standards of Amendment 7 as of the effective date.

Q: Under the previous regulations my pending amendment was a “major amendment”, but under Amendment 7 the same revision is a “minor modification”. Do I have to continue processing my pending modification as a “major amendment”?

A: On the effective date of Amendment 7 all facilities with modification applications pending with the agency may choose to complete their modifications as “minor modifications” if in accordance with Table 5.2 the requested modification is no longer a “major modification”. However, refunds of permit fees previously submitted to the agency will not be issued. Any fees submitted prior to the effective date of Amendment 7 were collected in accordance with the regulations applicable at the time of submittal.

VARIANCE PETITIONS

Q: My facility currently has a variance petition pending with the agency for either an alternate liner design or alternate concentration limits (ACL). Do I need to continue processing the requested liner design or ACL as a variance?

A: No, if the applicant would prefer to process the pending variances as an “approval” concurrent with a pending major modification they may choose to do so. This will remove the need to advertise the requested liner or ACL separately from the pending amendment. However, refunds of permit fees previously submitted to the agency will not be issued. Any fees submitted prior to the effective date of Amendment 7 were collected in accordance with the regulations applicable at the time of submittal.

GROUNDWATER

Q: 9VAC20-81-250.A.6.b(1) states, “For constituents for which a maximum contaminant level (MCL) has been promulgated under § 1412 of the Safe Drinking Water Act (40 CFR Part 141), the MCL for that constituent shall be automatically established as the groundwater protection standard upon submission of the proposed standards...” Does this mean all constituents with MCLs will be effective at the time of submission even though I have background concentrations exceeding MCLs for particular constituents?

A: Constituents for which there is an MCL, will have the MCL act as the GPS effective at the time of submission until such time as the Department may approve the use of a site specific background value in lieu of the MCL.